



FIGHTING SEXUAL ASSAULT IN THE MILITARY



Dr. Benishek wants to end the epidemic of sexual assault in the military. Right now, 87% of the estimated 26,000 incidents of unwanted sexual contact (USC) in 2012 went unreported. This is a travesty that needs to be addressed now. As the father of a veteran, Dr. Benishek knows exactly the kind of hard-working women we have in our armed forces. In response to this frightening problem, Dr. Benishek worked across party lines with New York Senator Kirsten Gillibrand to offer a bipartisan plan that reforms the way the military handles sexual assault cases and makes sure victims aren't afraid to report a crime.

As a doctor, Dr. Benishek is used to working with others to find solutions. That's how it should be. There are no Democrats or Republicans in the operating room—only team work. Dr. Benishek and Senator Gillibrand are from different parties and from different parts of the country, but they are working together to find some real solutions to protect our servicemembers.

FACTS:

- Estimates derived from the rates of USC in the 2012 Workplace and Gender Relations Survey of Active Duty Members (WGRA) suggest that there may have been approximately 26,000 Service members who experienced some form of USC in the year prior to being surveyed. This is an increase of 7,000 (almost 30%) from 2010.
- In 2012 there were 3,374 reports of USC. This means that 22,626 (87%) went unreported.
- Of the women who experienced USC and reported it to DOD authority 62% of respondents perceived some sort of social, administrative, and/or professional retaliation.
- Dr. Benishek's legislation gives disposition authority (the authority to decide whether a case goes to trial) to trial counsel outside the victim's chain of command in pay grade O-6 or higher.
- This applies only to offenses for which the authorized sentence under the Uniform Code of Military Justice (UCMJ) is confinement for more than one year. These offenses are akin to felonies in the civilian criminal justice system.
- The bill contains specific exceptions for "uniquely military" offenses such as leaving your post, showing up drunk when you're on duty, misbehavior before the enemy, and showing contempt toward officials. Carving out these exceptions makes it clear that commanders will still retain the ability enforce standards in their units.

- The bill gives convening authority (the authority to establish a court-martial, select a jury pool, and choose the judges that hear the case) for special and general courts-martial to officers in the O-6 rank or above, as long as that officer is not in the chain of command of the victim or the accused.
- The bill imposes a 90 day deadline for military judges to call a trial into session.
- The bill modifies the post-trial powers of convening authorities in two ways. First, a convening authority is prohibited from overturning a conviction or changing a guilty finding to a lesser included offense. Second, a convening authority must prepare a written justification in the event he/she exercises Article 60 powers to change an offender's sentence. This is similar to recommendations proposed by Secretary Hagel.
- The bill requires a commanding officer who receives a report of sexual assault in his chain of command to immediately refer the report to the appropriate investigative office.